

1 **OFFICIAL FILING BY FACSIMILE**
2 **TRANSMISSION ON NOVEMBER 21, 2003 TO**
3 **FACSIMILE #703-872-9306, FOR EXAMINER F. L.**
4 **EVANS, TELEPHONE 703-308-4805, ART UNIT 2877**

5 Response 24 pages,
6 Drawings 0 sheets
7 Total Fax pages 24

Our Ref. No. P-1259-981

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
OZANICH

Date: November 21, 2003

Serial No. 09/804,613

Group Art Unit: 2877

Filed: March 12, 2001

Examiner: F. L. Evans

11 For: AN APPARATUS AND METHOD
12 FOR MEASURING AND
13 CORRELATING CHARACTERISTICS
14 OF FRUIT WITH VISIBLE/NEAR
INFRA-RED SPECTRUM

RECEIVED
CENTRAL FAX CENTER
NOV 21 2003

OFFICIAL

AMENDMENT AND RESPONSE

16 Hon. Commissioner of Patents and Trademarks
17 Washington, D.C. 20231

Dear Commissioner:

18 In response to the communication from the Examiner dated October 28, 2003,
19 please consider the following:

Response Is Timely

21 The applicant respectfully observes that this response is timely following the
22 Examiner's Communication of October 28, 2003. However, the Examiner is hereby
23 authorized to deduct other fees owing from the deposit account of Liebler, Ivey &
24 Connor, P.S./Floyd E. Ivey, 35,552, Deposit account No. 50-0607.

26 Certificate of facsimile filing
27 on November 21, 2003 by Floyd E. Ivey.

Application No. 09/804,613

Floyd E. Ivey, USPTO 35552.

1

F:\Client\Berkley\Instruments\patent\NearInfrared\CTP.NIR\Response\031003\CTP.response.112.102.103.NonComplaintAmendmentFINAL.031121.ypp

1 **I. INTRODUCTORY COMMENTS**

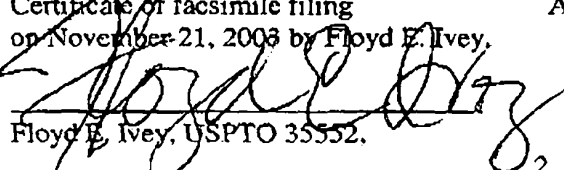
2 **Non-Complaint Amendment**

3 The Examiner's Communication of October 28, 2003, advises the Response filed
4 on October 3, 2003 is non-complaint in that "each claim has not been provided with the
5 proper status identifier, and as such, the individual status of each claim cannot be
6 identified" and that "the claims do not comply with 37 CFR 1.121 (c) (2) AND (3). Your
7 applicant now submits claims in the Revised Amendment Practice format.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Certificate of facsimile filing
on November 21, 2003 by Floyd E. Ivey.

Application No. 09/804,613


Floyd E. Ivey, USPTO 35552.

F:\PClient\BerkeleyInstruments\patent\NonInfrared\CTP.NTR\Response031003\CTP.response.112.102.103.NonCompliantAmendmentFINAL.031121.wpd